

1 events concerning Mrs. Duff occurred. I, I don't -- I'm not
2 going to read all the dates, but just looking from page 95 and
3 continuing through --

4 MR. SCHONMAN: Your Honor?

5 JUDGE CHACHKIN: Yes?

6 MR. SCHONMAN: During this interim period, I wonder
7 if I might ask Your Honor to inquire of Mr. Topel whether he
8 would be inclined to provide an index for Trinity Exhibit 122.
9 It includes a lot of --

10 (Asides.)

11 MR. SCHONMAN: -- a lot of different documents. And
12 I think that would be helpful to the process.

13 MR. TOPEL: I have no problem doing that.

14 JUDGE CHACHKIN: Mr. Topel says he will provide you
15 with an index. I agree with you. I think it would be useful
16 in light of all the documents here.

17 MR. TOPEL: I'm sorry, Your Honor. I'm actually
18 saving time, and I'm almost finished. Okay. Continuing
19 through -- and I forgot to --. From page 95 continuing
20 through page 199, those, those are all documents where
21 Mrs. Duff's relationship to Trinity Broadcasting Network were
22 disclosed to the Commission while the Portland application was
23 pending in the manner in which we have discussed?

24 MR. MAY: Yes, sir.

25 JUDGE CHACHKIN: You mean that copies were sent?

1 MR. TOPEL: And, in some cases, that you witnessed
2 signatures?

3 JUDGE CHACHKIN: Whatever it says?

4 MR. TOPEL: Whatever it says, that's correct.

5 JUDGE CHACHKIN: And the exhibit will say?

6 MR. TOPEL: That's correct. And, and one of them is
7 the, the renewal application where it says assistant to the
8 president. Okay. And I believe the remaining documents
9 after that last page number I gave you, Mr. May, those are
10 also documents where the same occurrences happened subsequent
11 to the grant of the Portland application, but prior to the
12 filing of any opposition in Wilmington, is that correct?

13 MR. MAY: Yes, sir.

14 MR. TOPEL: Thank you. Your Honor, I would move
15 into evidence Trinity Broadcasting of Florida Exhibit 122.

16 MR. COHEN: No objection.

17 JUDGE CHACHKIN: Trinity Broadcasting of Florida
18 Exhibit 122 is received.

19 (Whereupon, the document previously
20 identified as TBF Exhibit 122 was
21 received into evidence.)

22 MR. TOPEL: Now you were asked some questions about
23 the role that Ben Miller plays for Trinity Broadcasting
24 Network and National Minority Television, and I'd like to ask
25 you, if you would --

1 MR. COHEN: Can we have that? Thanks.

2 MR. TOPEL: I'd like to ask you, if you would, to
3 turn to Mass Media Bureau Exhibit 224, which is in Volume
4 Four.

5 MR. COHEN: Can you wait one second.

6 (Asides.)

7 MR. TOPEL: Twenty-four. And -- copied -- copies, I
8 just need to show him that. Excuse me? Okay. Are you ready,
9 Mr. Cohen?

10 MR. COHEN: Yes, I'm ready.

11 MR. TOPEL: Okay. Bureau Exhibit 224 is National
12 Minority Television's license application for Odessa. And on
13 page four, it shows that it's signed by Ben Miller, but the
14 capacity in which he signed it was punched out. And just so
15 the record is clear, I would like to request a stipulation
16 that the record -- that the capacity in which Mr. Miller
17 signed it is checked as technical director. It's obvious from
18 the form, because that's where the hole is but --

19 MR. SCHONMAN: And I think it should also -- the
20 stipulation should include the fact that the form includes a
21 box which is not checked off for technical consultant.

22 MR. TOPEL: Oh, I'll put this into the record. I
23 mean it's --

24 MR. SCHONMAN: Well, if it's take --

25 MR. TOPEL: -- the form is id-- the form is

1 identical.

2 MR. COHEN: -- speak for itself.

3 MR. TOPEL: Yes. The form is identical.

4 JUDGE CHACHKIN: Well, I, to see it. No, I --
5 whatever it says.

6 MR. SCHONMAN: Yes, I'm -- that's fine with me,
7 however.

8 MR. TOPEL: -- what's in the record is a punch out
9 of that.

10 JUDGE CHACHKIN: Do we want it stipulated? Do we
11 want that actually in the record or what?

12 MR. SHOOK: A stipulation would suffice.

13 JUDGE CHACHKIN: -- stipulate.

14 MR. COHEN: I -- we'd stipulate it.

15 JUDGE CHACHKIN: All right. That the box is not
16 checked, but that it's listed as, as --

17 MR. TOPEL: No, no.

18 MR. COHEN: No. No, no.

19 MR. TOPEL: That the box, "technical director," is
20 checked.

21 JUDGE CHACHKIN: Is checked?

22 MR. COHEN: Yes. I accept that.

23 JUDGE CHACHKIN: And also that he -- wasn't this
24 something that -- I thought that he --

25 MR. TOPEL: Well, none of the other boxes are

1 | checked, but that's already in the Bureau's exhibit.

2 | JUDGE CHACHKIN: Oh, that, that's the only thing,
3 | missing item, was the box? Okay.

4 | MR. TOPEL: Yes. What happened was the whole punch
5 | covered that.

6 | JUDGE CHACHKIN: All right. Fine.

7 | (Asides.)

8 | JUDGE CHACHKIN: Stipulation accepted.

9 | BY MR. TOPEL:

10 | Q Now, now, Mr. May, what, what does the filing
11 | license application signify?

12 | A It signifies that the facility has been constructed
13 | in accordance with the construction permit and you are filing
14 | a form with the Commission now asking that a license be
15 | issued.

16 | Q And in your experience, who typically completes the
17 | engineering section of a license application?

18 | A It's normally done by the person who was generally
19 | responsible for construction of the facility, the technical
20 | portions involving the transmitter and the antenna.

21 | Q And so on October 20, 1988, this is page four,
22 | Mr. Ben Miller signed this license application on behalf of
23 | NMTV in the capacity identified, and what address is shown
24 | under his signature?

25 | A It's shown as Post Office Box C11949.

1 Q Okay. And do you know where that post office box
2 is, by any chance?

3 A Yes, sir. I believe that's the Trinity post office
4 box.

5 Q Now turn, if you would, to -- I, I need to give him
6 Tab V. We're going to provide you with another document. This
7 is TBF Exhibit 101, Tab V. It's in Volume Three, Tab V.

8 MR. COHEN: The document is now before the witness.

9 MR. TOPEL: And turn if --

10 MR. SHOOK: Can you wait one second while I find it.

11 MR. TOPEL: No. That's okay.

12 MR. SHOOK: We have so many documents, Your Honor,
13 I'm going crazy here. I think --

14 MR. COHEN: This is 101, V?

15 MR. TOPEL: Yes. 101, Tab V. It's in Volume Three.

16 JUDGE CHACHKIN: We have a whole book for that.

17 MR. TOPEL: A whole book for Tab V. Is everyone
18 ready?

19 MR. COHEN: I'm ready.

20 MR. TOPEL: Okay. Now turning to page 57, that's
21 the license application that NMTV filed for complete --
22 regarding the completion of its Portland station. And you
23 have already indicated your explanation of who signs the
24 license application. And that document shows, on page 61,
25 that Mr. Ben Miller completed the engineering section, checked

1 as technical consultant for Mr. Cohen's benefit, and can you
2 tell me what address is shown on that license form?

3 MR. MAY: On, on the page 61 with Mr. Miller's
4 signature, it shows a Post Office Box C11949 in Santa Ana,
5 California.

6 (Off the record. Back on the record.)

7 MR. TOPEL: Your Honor, I'd like to have marked for
8 identification as Trinity Broadcasting of Florida Exhibit 123,
9 a document that consists of two license applications filed on
10 behalf of the Trinity organization. The document consists of
11 13 pages.

12 JUDGE CHACHKIN: The document described will be
13 marked for identification as Trinity Exhibit 123.

14 (Whereupon, the document referred to
15 as TBF Exhibit 123 is marked for
16 identification.)

17 JUDGE CHACHKIN: We're now at 11 o'clock. Before we
18 go on with this, I'm going to take a ten minute recess, at
19 this time.

20 (Whereupon, a brief recess was taken from 11:00 a.m.
21 until 11:10 a.m.)

22 JUDGE CHACHKIN: Back on the record.

23 MR. TOPEL: Mr. May, before I turn -- Your Honor,
24 has, has TBF 123 been identified?

25 JUDGE CHACHKIN: Yes.

1 MR. TOPEL: Yes. Before I turn to that, I want to
2 go back just for a second, Mr. May, to first Mass --

3 MR. COHEN: I'm sorry, Your Honor, I'm confused
4 again. I just -- I want to make sure.

5 JUDGE CHACHKIN: TBF 123 is just a small document.

6 MR. COHEN: Oh, gosh. I don't know what I did with
7 that. I've got so much paper here, I'm --

8 JUDGE CHACHKIN: It was just given to you.

9 MR. COHEN: Yes, I know, but I tell you, my -- do
10 you have another copy of that?

11 MR. HOLT: What is it?

12 MR. TOPEL: 123.

13 (Asides.)

14 MR. COHEN: -- along with me. You know, I've got so
15 many documents, Your Honor, I don't even know whether I'm
16 coming or going.

17 JUDGE CHACHKIN: -- hear --

18 MR. TOPEL: The last three weeks, your microphone's
19 been bad.

20 MR. COHEN: That would be the best thing that could
21 happen to the record. If my microphone was dead, I'm sure the
22 record would be ben-- would benefit.

23 JUDGE CHACHKIN: It, it's covered -- it's uncovered
24 now, your microphone, so we can proceed? All right.

25 MR. COHEN: Uncovered, Your Honor.

1 JUDGE CHACHKIN: Okay.

2 BY MR. TOPEL:

3 Q Okay. Before we turn to 123, I want to go back,
4 Mr. May, to Mass Media Bureau Exhibit 224, the Odessa license
5 application, and turning to page one, can you just tell me
6 what your role was in the submission of that document to the
7 FCC?

8 A We, we prepared the transmittal and the submission
9 of the document to the Commission. And this, in fact, was
10 filed with the Commission. There is a time stamp on the top
11 of the letter.

12 Q And turning to page 57 of Tab V, the Portland
13 license application, what was your role in the submission of
14 that to the FCC?

15 A Same as I've just described for the other filing.

16 Q Okay. Were you, were you aware of the references to
17 Ben Miller?

18 A Yes, sir.

19 Q In both applications?

20 A Yes, sir.

21 Q Now turning to TBF Exhibit 123, first can you tell
22 me what pages one to six of that exhibit are?

23 A This is a license application that was submitted on
24 February 6, 1987, with the Commission on behalf of Trinity
25 Broadcasting of Texas, Inc., for its KDTX TV facility in

1 Dallas, Texas.

2 Q And can -- on page four, can you tell me who signed
3 on behalf of Trinity?

4 A W. B. Miller, that's Mr. Warren -- or I guess it's
5 W. Ben Miller. That's his name.

6 Q Same, same guy, right?

7 A Yes. I think it's, I think it's Warren Benton
8 Miller is his full name, so it says W. B. Miller, yes, sir,
9 his name.

10 Q And can you tell me what, what, what address is
11 shown for Mr. Miller?

12 A The Post Office Box C11949, Santa Ana, California.

13 Q Okay. Now were you involved in the preparation of
14 that application?

15 A Yes, sir.

16 Q Okay. And so what, what knowledge did you have that
17 Ben Miller was reporting to the FCC the engineering portion of
18 the completion of construction of Trinity station?

19 A I, I knew that he, he was being reported as that
20 individual, and based, again, based on my experience, it is
21 that the individual who signs off --

22 MR. COHEN: He's object -- I object. That's not the
23 question. The question was, was asked and answered, and now
24 he's asking, answering a question that wasn't asked. And if
25 you hear the question back to --

1 MR. TOPEL: Well, I think I'd like to have it read
2 back.

3 MR. COHEN: I'd be glad.

4 JUDGE CHACHKIN: Could the reporter read the
5 question back?

6 (Whereupon, a portion of the taped record was played
7 back for the Court.)

8 MR. TOPEL: Okay. Okay.

9 BY MR. TOPEL:

10 Q Mr. May, what awareness did you have that, that Mr.
11 Miller was reported to the FCC as the person who had completed
12 the engineering section regarding the construction of Trinity
13 station?

14 A I was aware that he was being reported as that
15 individual.

16 Q Okay. And what was your understanding of who
17 typically would complete the engineering section of a license
18 application?

19 MR. COHEN: I'm going to object to that, Your Honor,
20 on, on the grounds of competence. He, he's not competent --

21 JUDGE CHACHKIN: Sustained.

22 BY MR. TOPEL:

23 Q Turn, Mr. May, if you would, to pages 8 to 13 of
24 Exhibit 123. Can you tell me what, what that document is?
25 I'm sorry, page 7 to, to 13.

1 A This is a license application filed with the Federal
2 Communications Commission on September 4, 1987, on behalf of
3 Trinity Broadcasting of Indiana, Inc., for its facility WCLJ
4 TV in Bloomington, Indiana.

5 Q And if you would turn to page ten, can you tell me
6 who completed the engineering section of that application?

7 A Yes, sir. Mr. W. Ben Miller.

8 Q Could you tell me at what address he's, he is
9 indicated on that document?

10 A Post Office Box C11949, Santa Ana, California.

11 Q Thank you.

12 MR. TOPEL: Your Honor, I move TBF Exhibit 123.

13 MR. SHOOK: No objection.

14 JUDGE CHACHKIN: Any objection?

15 MR. COHEN: No objection.

16 JUDGE CHACHKIN: TBF Exhibit 123 is received.

17 (Whereupon, the document previously
18 identified as TBF Exhibit 123 was
19 received into evidence.)

20 MR. TOPEL: Now, now, Mr. May, what is the criterion
21 that caused you to conclude that you could continue to
22 represent TBN and NMTV in the conflict situations that you
23 described?

24 MR. MAY: Based on the consent of the clients that I
25 could continue to do so.

1 MR. TOPEL: Now you testified that your office
2 opened --

3 BY JUDGE CHACHKIN:

4 Q Well, let's, let's get that, let me see, based on
5 which, which client for each of the entities gave you consent?

6 A It -- which -- in both of them would have had to
7 give me consent. I would have had to understand that I had
8 the consent to continue on behalf of both of the clients.

9 Q That's not what I said. Which individual on behalf
10 of the, each of these clients gave you consent, were the ones
11 who gave you this consent?

12 A Mrs. Jane Duff, or Dr. Paul Crouch, or Mr. Hickey,
13 or Mr. Philip Crouch. Could have been the, whichever
14 individuals I spoke to at any individual time.

15 Q Well, let -- well, which consent are we talking
16 about? At which point? You said somebody had to give you
17 consent. Who, who spoke on behalf of National Minority and
18 who spoke on behalf of Trinity to you in which they said you
19 have our consent notwithstanding the apparent conflict?

20 A Mrs. Jane Duff on behalf of -- I always looked at
21 her to be the spokesperson who could consent on behalf of
22 National Minority.

23 Q And she specifically told you, you have our consent?
24 You raised the question as a conflict and she specifically
25 responded to you that we, we are willing to waive any question

1 of consent -- of, of conflict? Is that what you're telling
2 me?

3 A Yes, sir. And that I could continue in the project.

4 Q And now who on behalf of Trinity?

5 A It would have been Dr. Crouch, or it could have been
6 any of the other officers or senior management people at
7 Trinity that I would have spoken to, depending upon what point
8 in time and what issue what, it was.

9 Q Well, this -- presumably it had to be a principle,
10 wasn't it, who gave you consent to act on behalf of the ent--
11 of, of Trinity?

12 A I understood that they had the authority to do that,
13 after I would speak to them or at the time I was speaking with
14 them. I can't tell you that at each point in time, for
15 example, if Mr. Terry Hickey were the one to say please go
16 ahead, that he was an assistant secretary that moment in time.
17 I understood him always to have the authority to, to make that
18 consent.

19 Q Well, I, I'm getting confused here. How many times
20 did you approach Trinity and National Maritime (sic) and say
21 here's a conflict, do you -- are you willing to -- do you want
22 me still to represent you, even though there's a conflict.
23 How many times did this happen?

24 A It happened a number of times, whenever I felt that
25 the conflict arose. I would have raised it and it was in that

1 context in which it occurred.

2 Q And Mrs. Duff, on each occasion, was the one who,
3 who spoke on behalf of National Maritime -- National Minority?

4 A I believe so, yes, sir.

5 Q And Mr. Crouch spoke on behalf of Trinity, at least
6 on some occasions?

7 A Yes, sir.

8 Q Did Mrs. Duff ever speak on behalf of Trinity on any
9 occasions?

10 A No, sir. I wouldn't have looked to her to speak on
11 behalf of Trinity when I was talking to her about a conflict
12 as between National Minority and Trinity.

13 Q Well, Mr. Crouch was also a director of National
14 Minority, but apparently you had no difficulty approaching him
15 about a conflict with National Minority, is that correct?

16 A Yes, sir. That's correct.

17 JUDGE CHACHKIN: To ahead, Mr. Topel.

18 MR. TOPEL: Thank you, Your Honor. Mr. May, I
19 believe you testified in response to some questions from
20 Mr. Schonman, that your lease commenced on June 1, 1983. And
21 I would like to have marked for identification as TBF
22 Exhibit 124, a --

23 JUDGE CHACHKIN: Couldn't we just stipulate that as
24 to the date of the lease without putting an exhibit in the
25 record? I mean --

1 MR. SHOOK: I'll stipulate.

2 JUDGE CHACHKIN: Well, what's the need of putting an
3 exhibit into the record? Just we'll stipulate whenever the
4 lease says it began, it began. We don't need to put the
5 exhibit in the record.

6 MR. SHOOK: I agree with that.

7 MR. TOPEL: Your Honor, I, I would propose a
8 stipulation that the lease between Hanes (phonetic sp.) and
9 Miller, May, Dunne, and Gay, attorneys at law, commenced on
10 June 1, 1983.

11 JUDGE CHACHKIN: That's what it says. The
12 stipulation accepted.

13 (Asides.)

14 JUDGE CHACHKIN: The least paper we can get in, the
15 better.

16 MR. COHEN: That's the piece of paper that is going
17 to break the camel's back, Your Honor.

18 BY MR. TOPEL:

19 Q Now, Mr. May, if you would now please turn to Bureau
20 Exhibit 59, which is in Volume One. Do you have that?

21 A Yes, sir.

22 Q Okay. In light of the fact that your lease
23 commenced June 1, 1983, can you tell me why this document was
24 prepared before your offices opened?

25 A Yes, sir. I wanted to get the statement out to try

1 to get the cash flow into the office, so that we were setting
2 up as soon as possible.

3 Q Can you tell me how it was prepared?

4 A Yes, sir. The woman who was going to be my
5 secretary, I went to her home and she had a typewriter in her
6 home, and I instructed her to prepare the document, and she
7 did so.

8 Q Did you conduct any other business between the time
9 you left Gammon and Grange prior to the time you opened your
10 office?

11 A Not that I recall, sir.

12 Q Now in January, 1988, which relates to the grant of
13 the Houston low-power station that Mr. Schonman was examining
14 you about, did Translator Television have any other
15 applications from its original series of filings in 1980 and
16 1981 on, that were filed in the name Translator Television,
17 Inc., that were still pending at the FCC in January, 1988?

18 A Yes, sir.

19 Q And can you tell me which ones those were?

20 A Yes, sir. I believe there was an application for
21 Philadelphia, Pennsylvania, and one for Fort Worth, Texas.

22 Q Okay. Now between February, 1987, and when National
23 -- when Translator TV changed its name to National Minority,
24 and January, 1988, had, had any of the applications that were
25 pending, the Houston, the Philadelphia, and the Fort Worth,

1 | been amended to reflect the name change?

2 | A No, sir.

3 | Q Do you have a copy of S.A.L.A.D. Exhibit 35,
4 | Mr. May? It's the International Panorama TV, Inc., decision.

5 | A I have a copy of the decision, sir, but mine is
6 | marked S.A.L.A.D. Exhibit 36.

7 | Q Right. That was changed. But you do have a copy of
8 | the decision?

9 | JUDGE CHACHKIN: We changed exhibit --

10 | MR. MAY: Yes, sir. I do.

11 | MR. TOPEL: Okay. Would you please take a moment to
12 | read paragraphs 66 and 67 of that decision.

13 | MR. COHEN: -- Miss Reporter, I -- do you have a
14 | copy of that? I, I don't, I can't put my fingers on that
15 | S.A.L.A.D. exhibit.

16 | COURT REPORTER: Which number?

17 | JUDGE CHACHKIN: That's S.A.L.A.D. Exhibit 35 is the
18 | one came in yesterday, the initial decision.

19 | MR. COHEN: Thank you. Thank you, very much.

20 | JUDGE CHACHKIN: You gave the reporter a copy of
21 | that exhibit that --

22 | MR. McCURDY: Yes.

23 | JUDGE CHACHKIN: You did give the reporter that
24 | extra copy?

25 | MR. McCURDY: It wasn't my exhibit.

1 JUDGE CHACHKIN: No, not this exhibit. Do you
2 remember the --

3 MR. McCURDY: Oh, yes, yes. I gave that to her
4 yesterday.

5 JUDGE CHACHKIN: Okay. That's yesterday.

6 MR. McCURDY: I gave her the exhibit that I was shy.
7 You mean the one I was shy?

8 JUDGE CHACHKIN: Yes.

9 MR. McCURDY: Yes, I gave her.

10 JUDGE CHACHKIN: Okay.

11 (Whereupon, the Court reporter provides Mr. Cohen
12 with a copy of the exhibit to borrow.)

13 MR. COHEN: Now at what paragraph did you --

14 JUDGE CHACHKIN: Sixty-six and sixty-seven.

15 MR. TOPEL: Sixty-six and sixty-seven. Everyone
16 ready?

17 JUDGE CHACHKIN: Yes, go ahead with your
18 questioning.

19 MR. TOPEL: Okay. Mr. May, would you, would you
20 please explain your role, your personal role in the matters
21 that are described in these two paragraphs?

22 MR. MAY: Yes, sir. I was a new lawyer and was
23 working in, on this case, and there had been a request for
24 document production filed in the matter, and I had begun the
25 compiling of the documents responsive to this request, and in

1 | doing so I had come across some letters that had been written
2 | back and forth between a Mr. Tim Flynn (phonetic sp.) at
3 | Trinity and Mr. Gammon, which dealt with the issue of when
4 | certain ascertainties had been conducted and whether or not
5 | those ascertainties were stale at the time filed at the
6 | Commission. And I reported that to Mr. Gammon, and he then
7 | determined that, that these documents were in fact relevant,
8 | but they were documents for which the attorney client
9 | privilege should be claimed and he advised the client to take
10 | the privilege, and I didn't agree with that. I thought that
11 | it was important that the, that the principles in the matter
12 | be given an opportunity to address them and to explain on the
13 | record what had transpired back and forth at that time. And
14 | there came a point in time when, in fact, Mr. Gammon did speak
15 | to Dr. Crouch about the fact that, of the documents, and I was
16 | there to see his reaction and his reaction was one of, of
17 | anger and incredulity that, in fact, these things had not been
18 | disclosed and provided to the Commission, and that the
19 | privilege had been taken without his knowledge. And he
20 | specifically instructed again, and it had a dramatic impact on
21 | me, that, look, I am an open book, I am transparent, you do
22 | not withhold any material, even if we have a legal and proper
23 | right to do so. And so as a result of that, these documents
24 | were provided to the Commission.

25 | MR. TOPEL: I have no further questions, Your Honor.

1 JUDGE CHACHKIN: Do you have any questions,
2 Mr. Cohen?

3 MR. COHEN: Yes.

4 JUDGE CHACHKIN: Go ahead.

5 MR. COHEN: I return to this book to --

6 RE-CROSS EXAMINATION

7 BY MR. COHEN:

8 Q Mr. May, I, I don't have many questions, but I, I
9 want to start with the matter of the conflict. I'd like to
10 pursue what the Judge started to pursue with you. I'd like
11 you to, to be specific. I'd like you to give us an instance,
12 a specific instance, of a conflict and then I'd like you to
13 tell us, for the record, whom you spoke with regarding that
14 conflict. And why don't we deal with one of the conflicts
15 that I asked you about on your cross-examination, and my
16 recollection is I asked you about loan agreements, and I think
17 you agreed that loan agreements were, was, were a source of
18 conflict. Do you recall that?

19 A Yes, loans and notes would be a conflict area.

20 Q Okay. So let's focus, if this is -- I want to try
21 to rec -- refresh your recollection, if it, if it needs to be
22 refreshed, but when is the first time that you have a
23 recollection of recognizing that you had a conflict concerning
24 a loan agreement. And my -- and I'm talking about now the
25 loan agreement between NMTV and TBN, so that it's clear in

1 your mind. And can you give me your best recollection on that
2 point?

3 A The first recollection I have of that is in the
4 context of preparing the Odessa application. And in the
5 application there's a requirement to certify the finances, and
6 I knew that the finances upon which NMTV was relying and
7 certifying were coming from Trinity. And, at that point, I
8 raised that I had a conflict with Mrs. Duff.

9 Q Well, let me ask you this question. The Odessa was
10 filed, what, in 18, in 1987?

11 A Yes, sir.

12 Q Okay. Now are you aware that, and, and I don't know
13 this is true, I'm just asking you, are you aware of whether
14 any loans were made by Trinity to NMTV prior to the Od-- the
15 filing of the Odessa application?

16 A I was aware that there had been finances back and
17 forth, because I was aware that Trinity was handling the
18 purchase -- excuse me, the payment of accounts payable on
19 behalf of National Minority.

20 Q Well, what I'm trying to ascertain is was this the
21 first time that you became aware, that is in the filing of the
22 Odessa application, that indeed there had been loans from
23 Trinity to Odessa, or had you been aware of it prior to the
24 filing of Odessa?

25 A I had known as early back as when the original round

1 of applications filed by Television Translator with the
2 Commission that there had been a showing that the finances
3 there were coming from Trinity to Television Translator.
4 However, I was not really involved that much in that process
5 and I did not, at that time, raise any conflict question, just
6 believed that it had already been addressed if people thought,
7 at the time, that it had to be addressed.

8 Q Well, is it, is it your testimony that the first
9 time you raised a conflict question concerning loans, was it
10 during, at the time the Odessa application was filed?

11 A It's the first memory I have of it, sir.

12 Q And prior to that, you were aware -- and I don't
13 want to put words in your mouth, I want to be fair to you, so
14 make sure that I'm, when I characterize your testimony, that
15 I'm doing this accurately.

16 A Okay.

17 Q Were you aware prior to the filing of the Odessa
18 application that, that loans had been made from Trinity to TBN
19 (sic)?

20 A I can't say I know that it was a loan, per se. I
21 knew that Trinity was providing the administer of functions of
22 accounting and, and payable, and to that extent I guess I
23 understood that, that money was coming from someplace, but I
24 don't know that I ever really focused on a conflict question
25 in that context.

1 Q You don't -- in other words, you didn't recognize
2 the, the matters you just testified to a moment ago as a
3 conflict, that's what you're telling me?

4 A I, I didn't raise the issue. That's right, I
5 didn't, didn't think about it.

6 Q Okay. So the first time that you saw, that you saw
7 this as a conflict was -- the loans that is, was, was in
8 connection with the filing of Odessa. Is that right?

9 A Yes, sir.

10 Q Okay.

11 A In, in specific context of the certification of the
12 finances.

13 Q And you had, and you had a specific conversation
14 with whom, with, with what persons at Trinity and at NMTV
15 concerning that conflict?

16 A I had a conversation with Mrs. Duff on behalf of
17 National Minority.

18 Q And, and who, and with whom did you speak on behalf
19 of Trinity?

20 A I don't recall that, that clearly, sir. It would
21 have been a group of people that I normally communicated with.

22 Q Well, what I'm trying to find out is do you have a
23 specific recollection of, of, of bringing this conflict to the
24 attention of, of NMTV and Trinity officials? Now let's first
25 start with Mrs. Duff. Do you have a specific recollection?

1 A Yes, sir.

2 Q Now was that a, was that a recollection of a
3 conversation between you and Mrs. Duff?

4 A Yes, sir.

5 Q Was anyone else present in that conversation --

6 A I don't --

7 Q -- either in person or by telephone?

8 A I don't believe so.

9 Q It was a per -- it was a telephone conversation?

10 A I recall it as that, yes.

11 Q And it was it a telephone conversation in, that
12 occurred prior to the time the Odessa application was filed?

13 A Yes, sir.

14 Q And was this a conversation that, that you, that you
15 stimulated?

16 A Well, I don't recall whether it was a call I
17 stimulated or whether or not I was just on the phone with
18 Mrs. Duff.

19 Q And you brought up the matter of conflict?

20 A Yes, sir.

21 Q And give me your best recollection of what you said
22 to Mrs. Duff.

23 A Jane, I recognize that in the preparation of this
24 application, National Minority is going to be making a
25 certification to the Commission that it has the finances to go